

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 10569 of 2007(G)

PETITIONER:

**THE MALABAR EDUCATIONAL & CHARITABLE
TRUST, YOGASALA ROAD, KANNUR 670 001,
REPRESENTED BY ITS DIRECTOR AND MANAGING TRUSTEE,
VALSAN MATATHIL.**

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:

- 1. THE VICE CHANCELLOR,
KANNUR UNIVERSITY,
KANNUR.**
- 2. THE UNIVERSITY OF KANNUR,
REPRESENTED BY THE REGISTRAR,
KANNUR.**
- 3. THE CONTROLLER OF EXAMINATIONS,
KANNUR UNIVERSITY, KANNUR.**

BY ADV. SRI.M.SASEENDRAN,SC,KANNUR UNIVERSITY

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P. (C) NO. 10569/2007

APPENDIX

PETITIONER'S EXHIBITS

**EXT.P1:- COPY OF THE RECOGNITION ORDER
NO.F.KL/SEC/N/309/SRO/NCTE/2005-06/365 DT. 7.10.05.**

EXT.P2:- COPY OF THE LETTER DT. 10.10.05 GIVEN TO THE UNIVERSITY.

**EXT.P3:- COPY OF THE COMMUNICATION NO.ACAD/A1/NC/2005 DT.
21.7.05.**

**EXT.P4:- COPY OF THE LETTER DT. 10.10.05 ADDRESSED TO THE PRINCIPLE
SECRETARY, DEPARTMENT OF HIGHER EDUCATION.**

**EXT.P5:- COPY OF THE LETTER GIVEN TO THE VICE CHANCELLOR, KANNUR U
UNIVERSITY DT. 8.12.05.**

**EXT.P6:- COPY OF THE COMMUNICATION NO.ACAD/A1/NC/2005 DT.
27.12.05 GIVEN BY THE UNIVERSITY.**

**EXT.P7:- COPY OF THE LETTER GIVEN TO THE REGISTRAR, KANNUR
UNIVERSITY DT. 2.1.06.**

EXT.P8:- COPY OF THE LETTER NO.ACAD/A1/NC/2005 DT. 16.1.05.

**EXT.P9:- COPY OF THE LETTER GIVEN TO THE REGISTRAR, KANNUR
UNIVERSITY DT. 5.4.06.**

**EXT.P10:- COPY OF THE COMMUNICATION NO.ACAD /A2/M.B.
ED.T.C/675/2005 DT. 8.3.06.**

**EXT.P1:- COPY OF THE COMMUNICATION GIVEN TO THE REGISTRAR DT.
30. 3. 06.**

EXT.P11(a):- COPY OF THE FIXED DEPOSIT RECEIPT FOR RS.3,00,000/-.

**EXT.P11(b):- COPY OF THE DEMAND DRAFT NO.032203 DT. 30.3.06 FOR RS.
10,000/-.**

**EXT.P11(c):- COPY OF THE DEMAND DRAFT NO.032202 DT. 30.3.06 FOR RS.
75,000/-.**

**EXT.P12:- COPY OF THE COMMUNICATION
NO.ACAD/A2/M.B.ED.T.C./675/2005 DT. 25.5.06.**

EXT.P13:- COPY OF THE REPLY GIVEN BY THE PETITIONER DT. 6.6.06.

W.P.(C) NO.10569/2007

EXT.P14:- COPY OF THE ORDER NO.ACAD /A2/M.B.E.D.T.C. /675/2005. DT. 28.7.06.

EXT.P15:- COPY OF THE COMMUNICATION DT. 31.7.06 GIVEN TO THE REGISTRAR, UNIVERSITY OF KANNUR.

EXT.P16:- COPY OF THE COMMUNICATION DT. 31.7.06 GIVEN TO THE CONTROLLER OF EXAMINATIONS, UNIVERSITY OF KANNUR.

EXT.P17:- COPY OF THE COMMUNICATION NO.ACAD/ A2/ M.B.ED. TC/675/05 DT. 2.8.06.

EXT.P18:- COPY OF THE COMMUNICATION GIVEN TO THE REGISTRAR ON 11.8.06.

EXT.P19:- COPY OF THE JUDGMENT IN WP(C) NO.26073/06 DT. 25.10.06.

EXT.P20:- COPY OF THE COMMUNICATION NO.EPIII/IV/B.ED. / 2007 DT. 7.3.07.

EXT.P21:- COPY OF THE RELEVANT PORTION OF THE PROSPECTUS ISSUED BY THE ENTRANCE COMMISSIONER FOR THE ACADEMIC YEAR 2005-06.

EXT.P22:- COPY OF THE REPLY GIVEN BY THE PETITIONER DT. 12.3.07.

EXT.P23:- COPY OF THE COMMUNICATION NO.EPIIIIV/B.ED./07 DT. 22.3.07.

EXT.P24:- COPY OF THE SCHEDULE OF EXAMINATION ISSUED BY THE UNIVERSITY DT. 16.3.07.

EXT.P25:- COPY OF THE UNIVERSITY PUBLICATION NO.CE/P.R/2007 DT. 31.5.07.

EXT.P26:- COPY OF THE APPLICATION FILED BY THE PETITIONER DT. 14.12.02.

EXT.P27:- COPY OF THE LETTER GIVEN TO THE GOVERNMENT DT. 12.12.01.

EXT.R2(a):- COPY OF THE APPLICATION DT. 29.12.04.

EXRT.R2(b):- COPY OF THE COMMUNICATION BY THE PETITIONER SEEKING APPROVAL OF THE CALENDAR WITH EFFECT FROM 7.11.05.

/TRUE COPY/

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S. SIRI JAGAN, J.

W.P.(C)NO. 10569 OF 2007

DATED THIS THE 13th DAY OF JULY, 2007

JUDGMENT

The matter relates to conduct of examination for students of the petitioner's College, who have completed the B.Ed course for the academic year 2005-2006. Apparently, the dispute is regarding the examination in respect of the subject 'Physical Science' as also the admission of three extra students for the subject 'Social Science'. I had directed the respondents to permit the students to write the examination provisionally. I direct the petitioner to file a representation before the 1st respondent, Vice Chancellor dealing with their grievances within a period of one weeks from today and the 1st respondent shall consider the same and pass appropriate orders as sympathetically as possible, under law. While doing so, the Vice Chancellor shall take into account Ext.P19 judgment of this Court in respect of the same subject matter. The Vice Chancellor shall dispose of the case within two weeks from the date of receipt of the representation. The University shall take further action in accordance with orders of the Vice Chancellor and if the order permits publication of results of the examination they have written on the strength of the

interim order, the same shall be published within one week thereafter.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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